

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
WASHINGTON FEDERATION OF)	
STATE EMPLOYEES)	CASE 20399-C-06-1268
)	
For clarification of an existing)	DECISION 9810 - PSRA
bargaining unit of employees of:)	
)	
UNIVERSITY OF WASHINGTON)	ORDER CLARIFYING
)	BARGAINING UNIT
_____)	

Younglove, Lyman & Coker, by *Edward Earl Younglove*,
Attorney at Law, for the union.

Robert McKenna, Attorney General, by *Robert W. Kosin*,
Assistant Attorney General, for the employer.

On May 16, 2006, the Washington Federation of State Employees (union) filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission, proposing to accrete employees in three job classifications: Furniture Repair Worker, Insulation Worker Lead, and Locksmith Lead, to an existing bargaining unit of trades and crafts employees of the University of Washington (employer). The matter was held in abeyance pending the outcome of the decision in *University of Washington*, Decision 9410 (PSRA, 2006).

On April 11, 2006, Service Employees International Union, Local 925 (SEIU), filed a Motion to Intervene in this matter alleging that the employees at issue could appropriately be included in a bargaining unit represented by SEIU. The Motion to Intervene was granted and the case was scheduled for hearing on June 18, 2007, before Hearing Officer Robin Romeo.

On June 15, 2007, counsel for SEIU left a voice-mail message that they were withdrawing the Motion to Intervene which was confirmed in writing. On June 18, 2007, an investigation hearing was conducted, during which time the employer and the union entered into stipulations and presented evidence on the proposed accretions.

The Executive Director accepts the stipulations and information presented by the parties and, acting under WAC 391-35-190(1), modifies the existing bargaining unit to include the petitioned-for positions.

ANALYSIS

Applicable Legal Standards

The employer is a state institution of higher education. The union represents a bargaining unit of employees in trades and crafts classifications pursuant to a certification issued in *University of Washington*, Decision 8291 (PSRA, 2003).

All trades and crafts classifications of the University of Washington, excluding supervisors, confidential employees and those employees in existing bargaining units.

The Legislature has delegated the determination and modification of bargaining units of employees of state civil service employees to the Public Employment Relations Commission. RCW 41.80.070. The Commission decides in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. RCW 41.80.070(1). In determining the new unit or modification of an existing unit, the Commission is to determine the duties, skills, and working conditions of the employees, the

history of collective bargaining, the extent of organization among the employees, the desires of the employees and the avoidance of excessive fragmentation. RCW 41.80.070(1).

The Commission may add employees or positions to an existing bargaining unit in a unit clarification proceeding where the existing bargaining unit is the only appropriate unit for the employees or positions. WAC 391-35-020(4)(b).

Application of Standards

The petition was filed to clarify that the employees in the classifications of Furniture Repair Worker, Insulation Worker Lead and Locksmith Lead should be included in the bargaining unit represented by the union. The bargaining unit currently includes employees in numerous trades and crafts classifications, including worker and lead positions, and specifically including the classifications of Insulation Worker and Locksmith Worker. The parties stipulated that the petitioned-for employees are not supervisors of the employees currently in the bargaining unit and that they perform trades work which is the same work performed by employees in the bargaining unit. The parties further stipulated that the trades and crafts unit is the only appropriate unit for these employees. The parties also submitted the job specifications for the three classifications at issue.

Nothing has come to the attention of the Executive Director that contradicts the propriety of the accretion requested in this case. The stipulations and evidence satisfy the requirements of RCW 41.80.070 and WAC 391-35-020(4).

FINDINGS OF FACT

1. The University of Washington is a state institution of higher education within the meaning of RCW 41.80.005(10).
2. The Washington Federation of State Employees, an employee organization within the meaning of RCW 41.80.005(7), is the exclusive bargaining representative of a bargaining unit of employees in trades and crafts classifications of the employer which was certified in *University of Washington*, Decision 8291 (PSRA, 2003).
3. The parties have stipulated that employees in the classifications of Furniture Repair Worker, Insulation Worker Lead, and Locksmith Lead have duties, skills, and working conditions similar to, and a community of interest with employees in the bargaining unit described in paragraph 2 above.
4. No other facts have been discovered or brought to the attention of the Executive Director which call into question the propriety of the proposed accretion described in these findings of fact.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.80 RCW and WAC 391-35-020.
2. The existing bargaining unit described in paragraph 2 in the Findings of Fact is an appropriate unit for the accretion of the classifications described in paragraph 3 of the Findings

of Fact for the purposes of collective bargaining under RCW 41.80.070.

ORDER

1. The description of the bargaining unit involved in this proceeding is modified to include Furniture Repair Worker, Insulation Worker Lead, and Locksmith Lead.
2. The classifications listed in paragraph 1 of this order are accreted into the bargaining unit at issue in this proceeding. The bargaining unit is:

All trades and crafts classifications of the University of Washington, excluding supervisors, confidential employees and those employees in existing bargaining units.

ISSUED at Olympia, Washington, on the 13th day of July, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.